

ALEXIS G. PADILLA

Attorney at Law

378 Lewis Ave. #6

Brooklyn, NY 11233

Tel. 917 238 2993

alexpadilla722@gmail.com

March 8, 2022

BY ELECTRONIC FILING

Hon. District Judge Paul G. Gardephe

United States District Court

Southern District of New York

Thurgood Marshall

United States Courthouse

40 Foley Square

New York, NY 10007

Re: Blake v. City of New York, et al.
21 CV 7191 (PGG)

Your Honor:

My office represents the plaintiff, Eugene Blake, in the above-referenced matter. I write to respectfully request a stay of the action.

Yesterday, I was informed by defense counsel that there is a pending Internal Affairs Bureau investigation concerning the incident that underlies this case. By way of background, this is a Section 1983 case that is currently proceeding according to the Section 1983 plan. Mediation is currently scheduled for March 15th at 10:00 A.M. In light of the pending investigation, plaintiff respectfully requests a stay of the action, including of the time to complete mediation, until such time as the IAB investigation is concluded and the issue of whether the City will represent the defendant officers is resolved.

I have discussed the question of whether to seek a stay with defense counsel and their position is that the City will not consent to a stay. I personally see no purpose in expending resources on a settlement conference before resolving the representation issue and I have informed the mediator that I intend to seek a stay in light of the pending IAB investigation. Further, the investigation is likely to reveal discoverable information in support of plaintiff's claims and he is entitled to the benefit of that discovery before proceeding with the litigation. For these reasons, plaintiff respectfully requests that the above-referenced action be stayed at least until such time as the pending investigation is concluded.

On behalf of plaintiff, I thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/

Alexis G. Padilla

Attorney for Eugene Blake

Cc: BY ECF and EMAIL

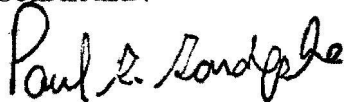
Elida Alfaro, Esq.
New York City Law Department
Attorneys for Defendant
City of New York

Barry R. Fertel, Esq.
Law Offices of Barry R. Fertel
14 Meadowood Path
New Rochelle, NY 10804
bfertel@gmail.com
Mediator

Memo Endorsed: The application for a stay is denied.

Dated: March 11, 2022

SO ORDERED.



Paul G. Gardephe
United States District Judge